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COLORADO RIVER WATER  
CONSERVATION DISTRICT

**UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION**

**Ritschard Dam Project**

**Project No. 11880-000**

**MOTION FOR INTERVENTION BY  
THE DEPARTMENT OF THE INTERIOR**

The U.S. Department of the Interior (Department), in the exercise of its statutory responsibility on behalf of the people of the United States, hereby submits its motion for intervention on the above-captioned proceeding pursuant to Rule 214.<sup>1</sup>

The Department represents the Bureau of Land Management (Bureau) interests in land management and management of the right-of-way for the Wolford Mountain reservoir and Ritschard Dam, and the Fish and Wildlife Service (Service) interests in Endangered Species, which may be directly affected by the outcome of this proceeding and has a statutory basis to participate. Therefore, the Department respectfully requests that this motion be granted. In further support of this motion, the Department states:

1. The Department represents an interest which may be directly affected by the outcome of this proceeding and has a statutory basis to participate as its interests are not adequately represented by other parties.

The Department has statutory responsibility and represents national public interests that could be directly affected by the outcome of the proceeding. Specifically, the Department has broad obligations under the laws of the United States to recommend means and measures to protect (from loss or depletion), to develop, to restore, and to enhance management of the Wolford Mountain Reservoir and the Ritschard Dam and those endangered species and their habitats that are subject to the direct effects of water development such as hydroelectric projects.

The Bureau is a land management agency with responsibility to protect water quality and stream flow on Bureau lands and to manage the public lands and resources. The Service is an agency of the Department and is the Federal agency primarily responsible for the management of the Nation's fish and wildlife resources. These include conservation of fish and wildlife resources and maintenance and improvement of water quality in the interest of those resources.

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<sup>1</sup>18 C.F.R. § 385.214.

Laws defining the Department's obligations set forth above which are pertinent to this proceeding include the Federal Land Policy and Management Act (43 U.S.C. § 1714 (1994)); Federal Power Act, 17 U.S.C. § 803(a) and (j) and § 811; Electric Consumers Protection Act of 1986, PL 99-495; Fish and Wildlife Coordination Act, 16 U.S.C. § 662; Endangered Species Act of 1973, as amended, 16 U.S.C. § 7 and § 9; and National Environment Policy Act, 43 U.S.C. § 4321, et. seq.

Intervention in this proceeding is authorized by the Federal Land Policy and Management Act, (43 U.S.C. § 1714 (1994) and the Fish and Wildlife Act of 1956, 16 U.S.C. § 724f(a)(4), which direct the Secretary of the Interior to:

take such steps as may be required for the development, advancement, management, conservation, and protection of fish and wildlife resources.

Thus, the Department is directed by statute to be the national advocate for land management and fish and wildlife interests that could be affected by hydropower development, and the Department's interests are not adequately represented by the other parties to this proceeding.

2. There is good cause to grant this motion.

Because the interests of the Department are not represented by other parties, the Department believes it must be vigilant in this case. The Department believes that granting party status will neither disrupt the proceeding, nor prejudice or impose an undue burden on the other parties. Granting this request will not unnecessarily broaden the issues already involved in this proceeding.

3. The Department is taking a direct interest in this proceeding and is making its position known.

4. The Department believes this motion for intervention is in order.

For the foregoing reasons, it is clear that (1) there is good cause to grant this motion; (2) the Department is authorized to participate in proceedings such as this; (3) the Department has interests which could be directly affected by the outcome of this proceeding; (4) the Department's participation is in the public interest; and (5) this motion complies with rule 204(b) and (d).

Accordingly, the Department should be granted all rights, including those to a hearing, pursuant to the Administrative Procedures Act,<sup>2</sup> and allowed to participate fully in this proceeding to protect the interests of the Department.

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<sup>2</sup>18 U.S.C. § 554.

5. The names, addresses, and telephone numbers of the representatives of the U.S. Department of the Interior, the Bureau, and the Service who are to receive all notices in this matter are as follows:

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*Lyle Rising by LLM*  
Submitted for the Department of the Interior by:  
Lyle Rising  
Senior Attorney  
Office of the Regional Solicitor

CERTIFICATE OF SERVICE

I certify that the attached document was sent by regular mail this 15th day of May 2001 to the attached Service List.

Karen Qualls

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Colorado River Water Projects Enterprise of  
the Colorado Water Conservation District

Project No. 11880-000

NOTICE GRANTING LATE INTERVENTION

(June 13, 2001)

On March 16, 2001, the Commission issued a notice of the application for a preliminary permit filed by Colorado River Water Projects Enterprise of the Colorado Water Conservation District for the Ritschard Dam Project, to be located on Muddy Creek and Wolford Mountain Reservoir, in Grand County, Colorado. The notice established May 15, 2001, as the deadline for filing motions to intervene.

On May 16, 2001, the United States Department of the Interior (Interior) filed a late motion to intervene in the proceeding. Granting the motion to intervene will not unduly delay or disrupt the proceeding, or prejudice other parties to it. Therefore, pursuant to Rule 214,<sup>1</sup> the motion to intervene in this proceeding filed by Interior is granted, subject to the Commission's rules and regulations.

David P. Boergers  
Secretary

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<sup>1</sup>18 CFR 385.214 (2000).

Service List for P-11880

COLORADO RIVER WATER CONSERVATION DIST

**Principal/Party Name/Address**

**Representative Name/Address**

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